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Attorney Docket No. 33775/US/DJB/VEJ  
Application No. 10/764,434

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

**Gerry MAVIN *et al.***

Application No. 10/764,434

Filed: **January 23, 2004**

For: **CLOSURES AND CONTAINERS  
IN COMBINATION THEREWITH**

Art Unit: **3727**

Examiner: **James N. Smalley**

Docket No.: **33775/US/DJB/VEJ**

*Certificate of Mail (37 C.F.R. § 1.8(a))*

*I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the United States Postal service on the date shown below with sufficient postage as first class mail in an envelope addressed to Mail Stop AMENDMENT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on October 20, 2005.*

*Patricia A. Diehl*  
Patricia A. Diehl

Mail Stop AMENDMENT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT**

Sir:

| 11/01/2005 AKELECH1 00000024 10764434

| 01 FC:1806

180.00 DP

This Supplemental Information Disclosure Statement is hereby submitted in accordance with 37 C.F.R. 1.98 and pursuant to Applicant's continuing duty under 37 C.F.R. 1.56 to bring any information which may be material to patentability of this application to the Examiner's attention. The Examiner's attention is directed to the reference(s) cited on the accompanying substitute for form PTO-1449A/PTO. Except for U.S. Patents and U.S. Patent Application Publications, *see* 37 C.F.R. § 1.98(a)(2)(i), copies of the cited references are enclosed, unless otherwise noted below. It is further understood that the Examiner will also consider information that was cited or submitted to the U.S. Patent and Trademark Office in a prior application relied on under 35 U.S.C. § 120. M.P.E.P. § 609 (I)(A)(2).

Applicant also makes no representation that the information submitted herewith is in fact material to patentability. The filing of this Information Disclosure Statement shall not be

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Application No. 10/764,434

construed as an admission against interest in any manner. Notice of January 9, 1992, 11 O.G. 13-25, at 25.

This Information Disclosure Statement is being filed after the mailing date of a first Office action on the merits, but before the mailing date of any of a final action, a notice of allowance, or an action that otherwise closes prosecution in the application. 37 C.F.R. § 1.97(c). Enclosed is our check in the amount of \$ 180.00 in payment of the fee under 37 C.F.R. § 1.17(p).

In accordance with 37 C.F.R. § 1.98(a)(3) and M.P.E.P. § 609 (III)(A)(3), the non-English language documents, FR 2,450,756 A and FR 2,780,955 A, were cited in a search report by a foreign patent office in a counterpart foreign application. Submission of the enclosed English language European search report for counterpart Application No. EP 03257233.1 indicates the degree of relevance found by the foreign office is provided in satisfaction of the requirement for a concise explanation of relevance. 1138 O.G. 37, 38.

The Commissioner is hereby authorized to charge any underpayment of the following fees associated with this communication, including any necessary fees for extension of time, or credit any overpayment to Deposit Account No. 50-2319 (Matter No. 463678-00226; Docket No. 33775/US/DJB/VEJ).

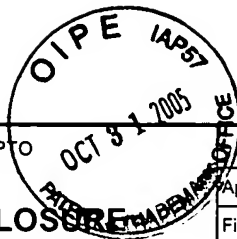
Respectfully submitted,

Date: October 28, 2005

By:

Victor E. Johnson, Reg. No. 41,546

DORSEY & WHITNEY LLP  
555 California Street  
Suite 1000  
San Francisco, California 94104-1513  
Telephone: (415) 781-1989 Facsimile: (415) 398-3249



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## INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(use as many sheets as necessary)

### Complete if Known

Application Number	10/764,434
Filing Date	January 23, 2004
First Named Inventor	Gerry Mavin et. al.
Art Unit	3727
Examiner Name	James N. Smalley
Attorney Docket Number	33775/US/RBC/VEJ (463678-00226)

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### U.S. PATENT DOCUMENTS

Examiner Initials*	Cite No. <sup>1</sup>	Document Number Number-Kind Code <sup>2</sup> (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
	B1				
	B2				
	B3				
	B4				
	B5				
	B6				
	B7				
	B8				
	B9				
	B10				

### FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No.	Foreign Patent Document Country Code <sup>2</sup> Number <sup>2</sup> Kind Code <sup>5</sup> (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	† <sup>6</sup>
	B11	FR 2,450,756 A	10-03-1980	Deussen Stella KG		
	B12	FR 2,780,955 A	01-14-2000	Lepine Jacques		
	B13	GB 2,374,068	10-09-2002	Portola Packaging Limited		
	B14					
	B15					

### NON PATENT LITERATURE DOCUMENTS

Examiner Initials*	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	† <sup>6</sup>
	B16		
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\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup> Applicant is to place a check mark here if English Language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the complete application form to the USPTO. Time will vary depending on the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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